

JC03 Rec'd PCT/PTO 13 OCT 2005



Docket No.: WLH-7945

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By: Kerry Sisselman

Date: October 11, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------|---|-------------------|------|
| Applicant | : Leopold Hackl et al. | Confirmation No.: | 8412 |
| PCT. No. | : PCT/IB99/01516 | | |
| Appl. No. | : 09/762,143 | | |
| Filed | : January 31, 2001 | | |
| Title | Method and Plant for Pyrolyzing Hydrocarbon-Containing Waste Products | | |
| | Integrated Circuits | | |
| Art Unit | : 1744 | | |

REQUEST FOR FILING RECEIPT CORRECTION

Hon. Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

Undersigned counsel has received the Filing Receipt for the above-identified application.

However, the Attorney Docket Number is listed incorrectly and should be as follows:

WLH-7945

The title is listed incorrectly and should be as follows:

- **METHOD AND PLANT FOR PYROLYZING HYDROCARBON-CONTAINING WASTE PRODUCTS**

It is respectfully requested that the Patent Office Records be changed and that a new Filing Receipt be issued, so that the printed patent will show the correct title.

Respectfully submitted,

KERRY R. SISSLER
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Enclosed: Filing Receipt
Copy of the Decision on Petition under 37 CFR 1.181



12 MAY 2005

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Lerner And Greenberg
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In re Application of
HACKL

Application No.: 09/762,143

PCT No.: PCT/IB99/01516

Int. Filing Date: 02 August 1999

Priority Date: 31 July 1998

Attorney Docket No.: WLH-7945US

For: METHOD AND PLANT FOR PYROLIZING:

HYDROCARBON-CONTAINING WASTE

PRODUCTS

DECISION ON

PETITION UNDER 37 CFR 1.181

This is a decision on applicant's "Petition under 37 CFR 1.181(alternative Petition under 37 CFR 1.137(a)) Request for Withdrawal of Holding of Abandonment" filed in the United States Patent and Trademark Office (USPTO) on 17 June 2004.

BACKGROUND

On 16 July 2001, a decision on the submission of the executed declaration was mailed to applicant, refusing to accord the application status under 37 CFR 1.42 at that time. The decision stated that the declaration was signed by Eva Maria Hackl as heir of deceased inventor Leopold Hackl. It was unclear whether Ms. Hackl is the sole heir or the legal representative for the deceased inventor (See MPEP §409.01(a)) or whether there may be other heirs who are also required to also sign the declaration. Applicant was advised that applicant's attorney could file a statement certifying that Eva Maria Hackl is the only heir or the legal representative of the deceased inventor, Leopold Hackl. Applicant was given two months to respond to the Office action and advised that failure to respond would result in abandonment of the application.

On 24 February 2004, a Notification of Abandonment was mailed to applicant, incorrectly indicating the reason for the abandonment was that no reply was received in response to the 14 March 2001 Notice of Missing Parts.

On 22 March 2004, applicant, in response to the Notification of Abandonment, filed a petition including a copy of postcard bearing a USPTO mail room date-stamped of 06 April 2001 indicating that a certified English translation of the international application was deposited on that date with the USPTO.

On 10 June 2004, a decision on petition was mailed to applicant indicating that the English translation of the international application submitted on 06 April 2001 was located in the application file. However, the application was abandoned because the declaration submitted on 31 January 2001 was unacceptable as it did not meet the requirements of 37 CFR 1.497(a) and (b).

DISCUSSION

Applicant declares that USPTO decision mailed to applicant on 16 July 2001 was never received. Applicant petitions to withdraw the holding of abandonment for failure to timely respond to the 16 July 2001 decision, which he alleges was never received.

In order to establish that papers were not received, as set forth in the Official Gazette at 1156 OG 53, applicant must provide the following: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in practitioner's statement). No petition fee is required.

Applicant has satisfied Items (1), (2) and (3) above with the statement that the 16 July 2001 decision was not received, that a review of the file jacket and docket record book indicating that the decision mailed on or after 16 July 2001, was not received and submission of a copy of the docket record where the non-received Office action would have been entered had it been received (that is, the docket record for 16 September 2001). Counsel has provided his docket record and explanation, showing all responses docketed for the USPTO mail date of 16 September 2001 showing that there was no record of a USPTO mailing for the present application. Thus, applicant has provided the proper showing necessary to withdraw the holding of abandonment and the petition may be properly granted at this time.

With regard to the declaration submitted on 31 January 2001, counsel states that Eva Maria Hackl is the sole heir of deceased inventor Leopold Hackl. The request for status under 37 CFR 1.42 is granted and the declaration is acceptable as it meets the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons presented above, the Petition under 37 CFR 1.181 is **GRANTED**. The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The declaration is accepted under 37 CFR 1.42 and fulfills the requirements of 37 CFR 1.497(a) and (b). The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 31 January 2001.


Cynthia M. Kratz
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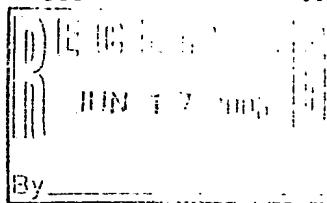
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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 09/762,143 | 01/31/2001 | 1744 | 569 | WBL-7945 | 2 | 21 | 1 |

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CONFIRMATION NO. 8412

FILING RECEIPT



OC000000016219278

Date Mailed: 06/08/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Leopold Hackl, Amstetten, AUSTRIA, Deceased;
Eva Maria Hackl, Amstetten, AUSTRIA, Legal Representative;

Power of Attorney:

Werner Stemmer-34956

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB99/01516 08/02/1999

Foreign Applications**Projected Publication Date:** None, application is not eligible for pre-grant publication**Non-Publication Request:** No**Early Publication Request:** No**** SMALL ENTITY ******Title**

Method and installation for the pyrolysis of waste products containing hydrocarbons

Preliminary Class

422

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).